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**SENATE BILL 619**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Gerald P. Ortiz y Pino**

**AN ACT**

**RELATING TO ECONOMIC DEVELOPMENT; CREATING THE NEW MEXICO  
EXPOSITION CENTER AUTHORITY FOR THE PURPOSE OF CREATING,  
CONSTRUCTING, DEVELOPING, OPERATING AND MANAGING AN EXPOSITION  
CENTER AND RELATED FUNCTIONS; PROVIDING POWERS AND DUTIES;  
AUTHORIZING THE ISSUANCE OF BONDS AND OTHER OBLIGATIONS;  
CREATING THE NEW MEXICO EXPOSITION CENTER AUTHORITY OVERSIGHT  
COMMITTEE; PROVIDING A PENALTY; DECLARING AN EMERGENCY.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE. -- This act may be cited as the  
"New Mexico Exposition Center Authority Act".**

**Section 2. LEGISLATIVE FINDINGS. -- The legislature finds  
that:**

**A. there is a need for appropriate facilities in  
this state to enhance, foster, aid, provide and promote**

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1 transportation, economic development, housing, recreation,  
2 education, culture, history and sense of place and for  
3 governmental operations necessary to support such activities;

4 B. there is a need for suitable facilities for  
5 expositions, conventions, exhibitions, meetings, banquets and  
6 related facilities that will enhance or supplement facilities  
7 currently available for these activities in order to promote  
8 the state and its counties and municipalities as attractive  
9 destinations to convention and visitor industry planners;

10 C. there is a great tradition in the state  
11 involving railway transportation that can be integrated with  
12 expositions, conventions and exhibitions and planned commuter  
13 rail transportation facilities for the mutual benefit of the  
14 state and out-of-state visitors participating in expositions,  
15 conventions and exhibitions; and

16 D. private enterprise alone cannot provide  
17 facilities of the type and size to achieve a first-class  
18 exposition center, but by establishing an authority to plan,  
19 develop, manage and operate a suitable exposition center the  
20 state can achieve a great public benefit at the least public  
21 cost through the use of leases, concessions and other  
22 contractual relationships with private enterprise.

23 Section 3. DEFINITIONS.--As used in the New Mexico  
24 Exposition Center Authority Act:

25 A. "authority" means the New Mexico exposition

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1 center authority;

2 B. "bond" means a bond, note, certificate of  
3 participation or other evidence of indebtedness;

4 C. "bondholder" or "holder" means a person who is  
5 the owner of a bond, whether registered or not;

6 D. "exposition center" means real or personal  
7 property, or any combination thereof, that is owned, leased or  
8 otherwise controlled or financed by the authority, located in  
9 the participating jurisdictions, that is related to, useful for  
10 or in furtherance of one or more purposes authorized by the New  
11 Mexico Exposition Center Authority Act, including facilities  
12 used for expositions, conventions, exhibitions, displays,  
13 meetings, banquets, trade shows, sporting events, arena events,  
14 museums, excursion trains, commuter and long-distance rail  
15 stations, trolleys, hotels, parking facilities, connection  
16 walkways, transportation maintenance yards, rail crossings and  
17 other light and heavy rail transportation activities and  
18 operations and related facilities, provided such facilities are  
19 available for the use by the general public;

20 E. "participating jurisdiction" means a department,  
21 commission, council, board, committee, institution, legislative  
22 body, agency, government corporation or educational institution  
23 of the state or a political subdivision of the state that is  
24 empowered to receive or expend public money, including  
25 municipalities and counties;

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1 F. "project" means planning and design work for and  
2 development, construction, reconstruction, enlargement,  
3 improvement, installation, rehabilitation, remodeling and  
4 renovation of the exposition center; and

5 G. "security" or means bonds, notes or other  
6 evidence of indebtedness issued by participating jurisdictions  
7 or leases or certificates or other evidence of participation in  
8 the lessor's interest in and rights under a lease with  
9 participating jurisdictions that are payable from taxes,  
10 revenues, rates, charges, assessments or user fees or from the  
11 proceeds of funding or refunding bonds, notes or other evidence  
12 of indebtedness of a qualified entity or from certificates or  
13 evidence of participation in a lease with participating  
14 jurisdictions.

15 Section 4. NEW MEXICO EXPOSITION CENTER AUTHORITY  
16 CREATED-- MEMBERSHIP-- QUALIFICATIONS-- QUORUM-- MEETINGS--  
17 COMPENSATION-- BOND.--

18 A. There is created a public body politic and  
19 corporate, separate and apart from the state, constituting a  
20 governmental instrumentality to be known as the "New Mexico  
21 exposition center authority" for the performance of essential  
22 public functions.

23 B. The authority shall be composed of fifteen  
24 members, including the secretary of finance and administration,  
25 the secretary of economic development, the secretary of

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1 tourism, the chair of the state transportation commission, the  
2 secretary of transportation, the executive director of the New  
3 Mexico finance authority, the mayor of the city of Albuquerque,  
4 the chair of the Bernalillo county board of county  
5 commissioners, the mayor of the city of Santa Fe, the chair of  
6 the Santa Fe county board of county commissioners, the  
7 executive director of the middle Rio Grande council of  
8 governments and four members who are residents of the state  
9 appointed by the governor, with the advice and consent of the  
10 senate. The appointed members shall serve at the pleasure of  
11 the governor.

12 C. The appointed members of the authority shall be  
13 appointed to four-year terms. The initial members shall be  
14 appointed to staggered terms of four years or less, so that the  
15 term of at least one member expires on January 1 of each year.  
16 Vacancies shall be filled by appointment by the governor for  
17 the remainder of the unexpired term. An appointed member shall  
18 continue to serve beyond the expiration of the member's term  
19 until a new member is appointed. Any member shall be eligible  
20 for reappointment.

21 D. Each appointed member before entering upon the  
22 member's duties shall take an oath of office to administer the  
23 duties of office faithfully and impartially. A record of the  
24 oath shall be filed in the office of the secretary of state.

25 E. The governor shall designate an appointed member

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1 of the authority to serve as chair. The authority shall elect  
2 annually one of its members to serve as vice chair. The  
3 authority shall appoint and prescribe the duties of such other  
4 officers, who need not be members, as the authority deems  
5 necessary or advisable, including an executive director and a  
6 secretary, who may be the same person. The authority may  
7 delegate to one or more of its members, officers, employees or  
8 agents such powers and duties as it may deem proper and  
9 consistent with the New Mexico Exposition Center Authority Act.

10 F. The executive director of the authority shall  
11 direct the affairs and business of the authority, subject to  
12 the policies, control and direction of the authority. The  
13 secretary of the authority shall keep a record of the  
14 proceedings of the authority and shall be the custodian of all  
15 books, documents and papers filed with the authority, the  
16 minute book or journal of the authority and its official seal.  
17 The secretary shall make copies of all minutes and other  
18 records and documents of the authority and give certificates  
19 under the official seal of the authority to the effect that the  
20 copies are true copies, and all persons dealing with the  
21 authority may rely upon the certificates.

22 G. Meetings of the authority shall be held at the  
23 call of the chair or whenever three members shall so request in  
24 writing. A majority of members then serving constitutes a  
25 quorum for the transaction of any business. The affirmative

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1 vote of at least a majority of a quorum present shall be  
2 necessary for any action to be taken by the authority. An  
3 ex-officio member may designate in writing another person to  
4 attend meetings and to act for that member with the same  
5 authority as the member. No vacancy in the membership of the  
6 authority shall impair the right of a quorum to exercise all  
7 rights and perform all duties of the authority.

8 H. Each member of the authority shall give a bond  
9 as provided in the Surety Bond Act. All costs of the surety  
10 bonds shall be borne by the authority.

11 I. The authority is not created or organized, and  
12 its operations shall not be conducted, for the purpose of  
13 making a profit. No part of the revenues or assets of the  
14 authority shall benefit or be distributable to its members,  
15 officers or other private persons. The members of the  
16 authority shall receive no compensation for their services, but  
17 shall be reimbursed for actual and necessary expenses at the  
18 same rate and on the same basis as provided for public officers  
19 in the Per Diem and Mileage Act.

20 J. The authority shall not be subject to the  
21 supervision or control of any other board, bureau, department  
22 or agency of the state except as specifically provided in the  
23 New Mexico Exposition Center Authority Act. No use of the  
24 terms "state agency" or "instrumentality" in any other law of  
25 the state shall be deemed to refer to the authority unless the

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1 authority is specifically referred to in the law.

2 K. The authority may operate the exposition center  
3 in the participating jurisdictions in accordance with the  
4 purposes expressed in the New Mexico Exposition Center  
5 Authority Act.

6 L. The authority shall be included as a "qualified  
7 entity" within the meaning of that term pursuant to the New  
8 Mexico Finance Authority Act.

9 M. The authority shall be included in the  
10 definition of "qualifying entity" pursuant to the Local  
11 Economic Development Act.

12 N. The authority shall be included as an "eligible  
13 entity" within the meaning of that term pursuant to the  
14 Statewide Economic Development Finance Act.

15 O. The authority is a governmental instrumentality  
16 for purposes of the Tort Claims Act.

17 Section 5. POWERS OF THE AUTHORITY.--The authority may:

- 18 A. sue and be sued;
- 19 B. adopt and alter an official seal;
- 20 C. make and alter bylaws for its organization and  
21 internal management and adopt, subject to the review and  
22 approval of the New Mexico exposition center authority  
23 oversight committee, rules necessary and appropriate to  
24 implement the provisions of the New Mexico Exposition Center  
25 Authority Act;

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1           D. appoint officers, agents and employees,  
2 prescribe their duties and qualifications and fix their  
3 compensation;

4           E. make, enter into and enforce contracts,  
5 agreements and other instruments necessary, convenient or  
6 desirable in the exercise of the authority's powers and  
7 functions and for the purposes of the New Mexico Exposition  
8 Center Authority Act;

9           F. acquire, construct or improve, grant mortgages  
10 of, accept mortgages of, otherwise encumber, sell, lease,  
11 convey or dispose of real and personal property for its public  
12 uses;

13           G. acquire, construct, improve or hold land,  
14 buildings, improvements and other facilities, including  
15 equipment for lease, use or occupancy by private enterprise and  
16 pledge rentals and other revenues derived therefrom to the  
17 payment of operating costs and expenses and to the payment of  
18 bonds;

19           H. make grants to participating jurisdictions for a  
20 project for the exposition center;

21           I. make loans to or purchase securities from  
22 participating jurisdictions and contract to make loans to or  
23 purchase securities from participating jurisdictions for the  
24 exposition center;

25           J. procure insurance to secure payment on a loan,

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1 lease or payment owed to the authority from insurers, including  
2 the federal government or its agencies or instrumentalities, as  
3 it may deem necessary or desirable, and pay any premiums for  
4 that insurance;

5 K. carry out projects for the development of the  
6 exposition center in the participating jurisdictions;

7 L. fix, revise from time to time, charge and  
8 collect rents, fees and other charges in connection with the  
9 making of loans or leases, or for services provided by the  
10 authority;

11 M accept, administer, hold and use all funds made  
12 available to the authority from any source;

13 N. borrow money and issue bonds and provide for the  
14 rights of bondholders;

15 O. establish and maintain reserve and sinking fund  
16 accounts to ensure that funds will be available for maintenance  
17 of debt service accounts;

18 P. invest and reinvest its funds and take and hold  
19 property as security for the investment of such funds as  
20 provided by the New Mexico Exposition Center Authority Act;

21 Q. employ attorneys, accountants, underwriters,  
22 financial advisors, trustees, paying agents, architects,  
23 engineers, contractors and such other advisors, consultants and  
24 agents as may be necessary and fix and pay their compensation;

25 R. apply for and accept gifts, grants or loans of

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1 property, funds, services or aid in any form from the United  
2 States or its agencies or instrumentalities, from the state or  
3 its agencies or instrumentalities or from a person and comply,  
4 subject to the provisions of the New Mexico Exposition Center  
5 Authority Act, with the terms and conditions of the gifts,  
6 grants or loans, including pledges or guarantees that may be  
7 required in connection with the gifts, grants or loans;

8 S. maintain one or more offices in the  
9 participating jurisdictions as it may determine;

10 T. subject to an agreement with bondholders:

11 (1) renegotiate a loan, lease, agreement or  
12 other obligation;

13 (2) consent to a modification of the terms of  
14 a loan, lease, agreement or other obligation; and

15 (3) purchase bonds, which may upon purchase be  
16 canceled;

17 U. operate and manage the exposition center in one  
18 or more participating jurisdictions and pledge the revenues  
19 from the exposition center to the payment of bonds in  
20 accordance with the provisions of the New Mexico Exposition  
21 Center Authority Act;

22 V. authorize the engagement of a person, public or  
23 private, including an entity engaged in the business of  
24 managing exposition and convention centers, as the authority  
25 may select upon terms and for periods as the authority may deem

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1 appropriate;

2 W. notwithstanding the provisions of the  
3 Procurement Code, enter into contracts to carry out any of its  
4 powers granted in the New Mexico Exposition Center Authority  
5 Act, including the planning, design, engineering and financing  
6 of exhibition center projects, with a master developer, the  
7 developer of a specific exhibition center project, contractors,  
8 owners or other persons or entities, on terms that the  
9 authority shall determine to be appropriate; and

10 X. do any and all things necessary or convenient to  
11 carry out its purposes and exercise the powers given and  
12 granted in the New Mexico Exposition Center Authority Act.

13 Section 6. PURCHASES IN NAME OF THE AUTHORITY--  
14 DOCUMENTATION.--

15 A. All tangible and intangible property, real and  
16 personal property and securities purchased, held or owned by  
17 the authority shall be purchased and held in the name of the  
18 authority, or may be mortgaged, assigned or otherwise  
19 encumbered as security for the repayment of bonds issued by the  
20 authority.

21 B. All securities purchased by the authority, upon  
22 delivery to the authority, shall be accompanied by all  
23 documentation required by the authority and shall include an  
24 approving opinion of recognized bond counsel, certification and  
25 guarantee of signatures and certification as to no litigation

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1 pending as of the date of delivery of the securities  
2 challenging the validity or issuance of such securities.

3 Section 7. BONDS OF THE AUTHORITY--USE--SECURITY.--

4 A. The authority may issue and sell bonds in  
5 principal amounts it considers necessary to provide sufficient  
6 money for the purposes of the New Mexico Exposition Center  
7 Authority Act, including:

- 8 (1) purchase of securities;
- 9 (2) making loans through the purchase of  
10 securities;
- 11 (3) making grants for projects from money  
12 available to the authority;
- 13 (4) the financing of a project located in  
14 whole or in part in a participating jurisdiction for use in  
15 connection with the exposition center;
- 16 (5) the payment, funding or refunding of the  
17 principal of or interest or redemption premiums on bonds issued  
18 by the authority, whether the bonds or interest to be paid,  
19 funded or refunded have or have not become due;
- 20 (6) the establishment or increase of reserves  
21 or sinking funds to secure or to pay principal, premium, if  
22 any, or interest on bonds issued by the authority; and
- 23 (7) the payment of other costs or expenses of  
24 the authority incident to and necessary or convenient to carry  
25 out its corporate purposes and powers.

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1           B. Except as otherwise provided in the New Mexico  
2 Exposition Center Authority Act, bonds issued by the authority  
3 shall be obligations of the authority payable solely from  
4 revenues, income, fees, charges or funds of the authority that  
5 may, pursuant to the provisions of the New Mexico Exposition  
6 Center Authority Act, be pledged to the payment of those  
7 obligations, and the bonds shall not create an obligation, debt  
8 or liability of the state. No breach of a pledge, obligation  
9 or agreement of the authority shall impose a pecuniary  
10 liability or a charge upon the general credit or taxing power  
11 of the state or a political subdivision of the state.

12           C. As security for the payment of the principal,  
13 interest or premium, if any, on bonds issued by the authority,  
14 the authority may pledge, transfer and assign:

15                   (1) an obligation that is payable to the  
16 authority, including rents, lease payments and other use or  
17 occupancy fees or charges owing to the authority in connection  
18 with the leasing, use or occupancy of real or personal  
19 property;

20                   (2) the revenues of the authority derived from  
21 loan payments, rents, fees, charges or other payments, with  
22 respect to or derived from any property acquired, constructed,  
23 furnished or equipped with the proceeds of bonds after  
24 provision for the reasonable cost of operating, maintaining and  
25 repairing that property of the authority;

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1 (3) the revenues to meet the costs of  
2 operating, maintaining and repairing the real and personal  
3 property of the authority and to meet the interest and  
4 principal requirements of the bonds issued by the authority and  
5 establish and maintain reserves pursuant to covenants of the  
6 authority to maintain rates and charges that will produce such  
7 revenues;

8 (4) any grant, subsidy or contribution from  
9 the United States or its agencies or instrumentalities; or

10 (5) any income, revenues, funds or other money  
11 of the authority from any other source authorized for that  
12 pledge, transfer or assignment.

13 Section 8. BONDS-- AUTHORIZATION FOR ISSUANCE-- TERMS AND  
14 CONDITIONS. --

15 A. Bonds of the authority shall be authorized by  
16 resolution of the authority and may be issued in one or more  
17 series. The bonds shall bear the dates, be in the form, be  
18 issued in the denominations, have terms and maturities, bear  
19 interest at rates and be payable and evidenced in the manner  
20 and times as the resolution of the authority or the trust  
21 agreement securing the bonds provides. The bonds may be  
22 redeemed with or without premiums prior to maturity, may be  
23 ranked or assigned priority status and may contain provisions  
24 not inconsistent with this subsection.

25 B. Bonds issued by the authority may be sold at any

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1 time at private or public sale at the prices agreed upon by the  
2 authority.

3 C. Bonds of the authority may be issued pursuant to  
4 the New Mexico Exposition Center Authority Act without  
5 obtaining the consent of any agency of the state and without  
6 any other proceeding or condition other than the proceedings or  
7 conditions specified in the New Mexico Exposition Center  
8 Authority Act.

9 D. Bonds issued by the authority are negotiable  
10 instruments for all purposes of the Uniform Commercial Code,  
11 subject only to the provisions of the bonds for registrations.

12 E. A resolution for the issuance of bonds shall  
13 provide that each bond authorized shall recite that it is  
14 issued by the authority. The recital shall clearly state that  
15 the bonds are in full compliance with all the provisions of the  
16 New Mexico Exposition Center Authority Act.

17 Section 9. BONDS SECURED BY TRUST INDENTURE. -- Bonds of  
18 the authority may be secured by a trust indenture between the  
19 authority and a corporate trustee that may be either a bank  
20 having trust powers or a trust company. The trust indenture  
21 may contain reasonable provisions for protecting and enforcing  
22 the rights and remedies of bondholders, including covenants  
23 setting forth the duties of the authority in relation to the  
24 exercise of its powers and the custody, use and investment of  
25 money. The authority may provide by the trust indenture for

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1 the payment of the proceeds of the bonds and the revenue to the  
2 trustee under the trust indenture or other depository for  
3 disbursement with safeguards as the authority determines  
4 necessary.

5 Section 10. PUBLICATION OF NOTICE-- VALIDATION-- LIMITATION  
6 OF ACTION. --

7 A. After adoption of a resolution authorizing  
8 issuance of bonds, the authority shall publish notice of the  
9 adoption of the resolution once in a newspaper of general  
10 statewide circulation.

11 B. After the passage of thirty days from the  
12 publication required by Subsection A of this section, an action  
13 attacking the validity of the proceedings had or taken by the  
14 authority preliminary to and in the authorization and issuance  
15 of the bonds described in the notice is perpetually barred.

16 Section 11. REFUNDING BONDS.--The authority may issue its  
17 bonds for the purpose of refunding bonds then outstanding,  
18 including the payment of redemption premiums and interest  
19 accrued or to accrue to the date of redemption of the  
20 outstanding bonds. Until the proceeds of the bonds issued for  
21 the purpose of refunding outstanding bonds are applied to the  
22 purchase or retirement of the outstanding bonds or the  
23 redemption of the outstanding bonds, the proceeds may be placed  
24 in escrow and be invested and reinvested. The interest, income  
25 and profits, if any, earned or realized on an investment may,

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1 in the discretion of the authority, also be applied to the  
2 payment of the outstanding bonds to be refunded by purchase,  
3 retirement or redemption, as the case may be. After the terms  
4 of the escrow have been fully satisfied and carried out, a  
5 balance of proceeds and interest, if any, earned or realized on  
6 the investments of proceeds and interest may be returned to the  
7 authority for use by it in a lawful manner. Refunding bonds  
8 shall be issued and secured and shall be subject to the  
9 provisions of the New Mexico Exposition Center Authority Act in  
10 the same manner and to the same extent as any other bonds  
11 issued pursuant to the New Mexico Exposition Center Authority  
12 Act.

13 Section 12. REMEDIES OF BONDHOLDERS. --A holder of bonds  
14 issued by the authority or a trustee under a trust indenture  
15 entered into pursuant to the New Mexico Exposition Center  
16 Authority Act, except to the extent that its rights are  
17 restricted by a bond resolution or trust indenture authorized  
18 pursuant to the bond resolution, may protect and enforce, by a  
19 suitable form of legal proceedings, rights under the laws of  
20 this state or granted by the bond resolution or trust indenture  
21 authorized pursuant to the bond resolution. These rights  
22 include the right to compel the performance of the duties of  
23 the authority required by the New Mexico Exposition Center  
24 Authority Act or the bond resolution and to enjoin unlawful  
25 activities.

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1           Section 13.   **AGREEMENT OF THE STATE.** --The state pledges to  
2 and agrees with the holder of a bond issued pursuant to the New  
3 Mexico Exposition Center Authority Act that the state will not  
4 limit or alter the rights vested in the authority to fulfill  
5 the terms of agreements made with the bondholder or in any way  
6 impair the rights and remedies of that bondholder until the  
7 bond together with the interest thereon, with interest on any  
8 unpaid installments of interest, and all costs and expenses in  
9 connection with an action or proceeding by or on behalf of that  
10 bondholder, are fully met and discharged. The authority may  
11 include this pledge and agreement of the state in any agreement  
12 with a bondholder.

13           Section 14.   **BONDS--LEGAL INVESTMENT FOR PUBLIC OFFICERS**  
14 **AND FIDUCIARIES.** --Bonds issued by the authority shall be legal  
15 investments in which all insurance companies, banks and savings  
16 and loan associations organized under the laws of the state,  
17 public officers and public bodies and all administrators,  
18 guardians, executors, trustees and other fiduciaries may  
19 properly and legally invest funds.

20           Section 15.   **TAX EXEMPTION.** --

21           A. The creation of the authority is in all respects  
22 for the benefit of the people of the state, for the improvement  
23 of their health and welfare and for the promotion of projects  
24 for the exposition center pursuant to the New Mexico Exposition  
25 Center Authority Act. These purposes are public purposes and

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1 the authority will be performing an essential governmental  
2 function in the exercise of its powers with the purchasers and  
3 subsequent holders and transferees of bonds issued by the  
4 authority, in consideration of the acceptance of and payment  
5 for the bonds. Bonds issued pursuant to the New Mexico  
6 Exposition Center Authority Act and the income from the bonds  
7 shall at all times be free from taxation by the state, except  
8 for estate or gift taxes and taxes on transfers.

9 B. The property, income and operations of the  
10 authority shall be exempt from taxation of every kind and  
11 nature.

12 Section 16. MONEY OF THE AUTHORITY--EXPENSES--AUDIT--  
13 ANNUAL REPORT.--

14 A. Money of the authority, except as otherwise  
15 authorized or provided in the New Mexico Exposition Center  
16 Authority Act or in a bond resolution, trust indenture or other  
17 instrument under which bonds are issued, shall be deposited as  
18 soon as practicable in a separate account or accounts in banks  
19 or trust companies organized under the laws of this state.  
20 Deposits of money shall be secured, if required by the  
21 authority, in such a manner as the authority determines to be  
22 prudent. Banks or trust companies may give security for  
23 deposits of the authority.

24 B. Subject to the provisions of any contract with  
25 bondholders, the authority shall prescribe a system of

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1 accounts.

2 C. Money held by the authority that is not needed  
3 for immediate disbursement, including funds held in reserve,  
4 may be deposited with the state treasurer for short-term  
5 investment pursuant to Section 6-10-10.1 NMSA 1978 or may be  
6 invested in direct and general obligations of or obligations  
7 fully and unconditionally guaranteed by the United States,  
8 obligations issued by agencies of the United States,  
9 obligations of this state or any political subdivision of the  
10 state, interest-bearing time deposits, commercial paper issued  
11 by corporations organized and operating within the United  
12 States and rated "prime" quality by a national rating service,  
13 other investments permitted by Section 6-10-10 NMSA 1978 or as  
14 otherwise provided by the trust indenture or bond resolution,  
15 if the funds are pledged for or secure payment of bonds issued  
16 by the authority.

17 D. The authority shall have an audit of its books  
18 and accounts made at least once each year by the state auditor  
19 or by a certified public accounting firm whose proposal has  
20 been reviewed and approved by the state auditor. The cost of  
21 the audit shall be an expense of the authority. Copies of the  
22 audit shall be submitted to the governor and the New Mexico  
23 exposition center authority oversight committee and made  
24 available to the public.

25 E. The authority shall submit a report of its

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1 activities to the governor and to the legislature not later  
2 than December 1 of each year. Each report shall set forth a  
3 complete operating and financial statement covering its  
4 operations for that year.

5 Section 17. CORPORATE EXISTENCE.--The authority and its  
6 corporate existence shall continue until terminated by law,  
7 provided that no termination by law shall take effect so long  
8 as the authority has bonds or other obligations outstanding,  
9 unless adequate provision has been made for the payment of  
10 those obligations. Upon termination of the existence of the  
11 authority, all its rights and properties in excess of its  
12 obligations shall pass to and be vested in the state.

13 Section 18. PROHIBITED ACTIONS.--The authority shall not:

14 A. deal in securities within the meaning of or  
15 subject to securities law, securities exchange law or  
16 securities dealer law of the United States or the state or of  
17 another state or jurisdiction, domestic or foreign, except as  
18 authorized in the New Mexico Exposition Center Authority Act;  
19 or

20 B. issue bills of credit or accept deposits of  
21 money for time on demand deposit or administer trusts or engage  
22 in any form or manner, or in the conduct of, a private or  
23 commercial banking business, or act as a savings bank or  
24 savings and loan association or another kind of financial  
25 institution except as authorized in the New Mexico Exposition

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1 Center Authority Act.

2 Section 19. CONFLICTS OF INTEREST--PENALTY.--

3 A. If a member, officer or employee of the  
4 authority has an interest, either direct or indirect, in a  
5 contract to which the authority is or is to be a party, that  
6 interest shall be disclosed to the authority in writing and  
7 shall be set forth in the minutes of the authority. The  
8 member, officer or employee having that interest shall not  
9 participate in an action by the authority with respect to that  
10 contract.

11 B. A person who has a conflict of interest as  
12 provided in this section and participates in a transaction  
13 involving that conflict of interest or fails to notify the  
14 authority of the conflict is guilty of a misdemeanor and upon  
15 conviction shall be sentenced to imprisonment in the county  
16 jail for a definite term of not less than one year or to the  
17 payment of a fine of not more than one thousand dollars  
18 (\$1,000), or both.

19 Section 20. LIMITATION OF LIABILITY.--No member of the  
20 authority or a person acting on its behalf, while acting within  
21 the scope of the member's or person's authority, shall be  
22 subject to personal liability for an action taken or omitted  
23 within that scope of authority.

24 Section 21. COURT PROCEEDINGS--PREFERENCE--VENUE.--An  
25 action or proceeding to which the authority or the state may be

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1 a party and in which a question arises as to the validity of  
2 the New Mexico Exposition Center Authority Act or a project or  
3 transaction undertaken by the authority pursuant to that act  
4 shall be preferred over all other civil cases in all courts of  
5 the state and shall be heard and determined in preference to  
6 all other civil business pending those courts irrespective of  
7 position on the calendar. The same preference shall be granted  
8 upon application of counsel to the authority in any action or  
9 proceeding seeking judicial declaration of the validity of the  
10 New Mexico Exposition Center Authority Act or any project or  
11 transaction undertaken by the authority pursuant to that act.  
12 The venue of any such action or proceeding or any other action  
13 or proceeding against the authority shall be in the county in  
14 which the principal office of the authority is located.

15 Section 22. CUMULATIVE AUTHORITY.--The New Mexico  
16 Exposition Center Authority Act shall be deemed to provide an  
17 additional and alternative method for the doing of the things  
18 it authorizes and shall be regarded as supplemental and  
19 additional to powers conferred by other laws and shall not be  
20 regarded as in derogation of any powers now existing; provided  
21 that the issuance of bonds under the provisions of the New  
22 Mexico Exposition Center Authority Act need not comply with the  
23 requirements of any other law applicable to the issuance of  
24 bonds.

25 Section 23. NEW MEXICO EXPOSITION AUTHORITY OVERSIGHT

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1 COMMITTEE. -- There is created a joint interim legislative  
2 committee that shall be known as the "New Mexico exposition  
3 center authority oversight committee". The New Mexico  
4 legislative council shall determine the membership of the  
5 committee and shall appoint the members and designate the chair  
6 and the vice chair in accordance with council policies. The  
7 staff for the committee shall be provided by the legislative  
8 council service.

9 Section 24. COMMITTEE DUTIES. -- The New Mexico exposition  
10 center authority oversight committee shall:

11 A. monitor and oversee the operation of the  
12 authority;

13 B. meet on a regular basis to receive and review  
14 reports from the authority on implementation of the provisions  
15 of the New Mexico Exposition Center Authority Act and to review  
16 and approve rules proposed for adoption by the authority;

17 C. oversee and monitor proposed projects for the  
18 exposition center in participating jurisdictions;

19 D. provide advice and assistance to the authority  
20 and cooperate with the executive branch of state government and  
21 participating jurisdictions on planning, setting priorities for  
22 and financing of projects for the exposition center; and

23 E. report its findings and recommendations,  
24 including recommended legislation, to the governor and to each  
25 session of the legislature. The report and proposed

1 legislation shall be made available on or before December 15  
2 each year.

3 Section 25. SEVERABILITY.--If any part or application of  
4 the New Mexico Exposition Center Authority Act is held invalid,  
5 the remainder or its application to other situations shall not  
6 be affected.

7 Section 26. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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